

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Achadjian

February 20, 2013

An act to amend Section 4016.5 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as introduced, Achadjian. Prisoners: detention costs.

Existing law requires that a city or county be reimbursed by the Department of Corrections and Rehabilitation for costs incurred resulting from the detention of a state prisoner or a person sentenced or referred to the state prison when the detention meets specified conditions, including that the detention results from a new commitment and the department is unable to accept delivery of the prisoner.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4016.5 of the Penal Code is amended to
2 read:
3 4016.5. A city or county shall be reimbursed by the Department
4 of Corrections and Rehabilitation for costs incurred resulting from
5 the detention of a state prisoner or a person sentenced or referred
6 to the state prison when the detention meets any of the following
7 conditions:

(a) (1) The detention results from a new commitment, or a referral pursuant to Section 1203.03, once the abstract of judgment has been ~~completed~~, *completed*; the department's intake control unit has been notified by the county that the prisoner is ready to be transported pursuant to Section ~~1216~~, *1216*; and the department is unable to accept delivery of the prisoner. The reimbursement shall be provided for each day starting on the day following the fifth working day after the date of notification by the county, if the prisoner remains ready to be delivered and the department is unable to receive the prisoner. If a county delivers or attempts to deliver a person to the department without the prior notification required by this paragraph, the date of the delivery or attempted delivery shall be recognized as the notification date pursuant to this paragraph. The notification and verification required by the county for prisoners ready to be transported, and reimbursement provided to the county for prisoners that the department is unable to receive, shall be made pursuant to procedures established by the department.

(2) A city or county shall be reimbursed by the department from funds appropriated in Item 5240-001-0001 of the annual Budget Act for costs incurred pursuant to this subdivision.

(3) The reimbursement required by this section shall be expended for maintenance, upkeep, and improvement of jail conditions, facilities, and services. Before the county is reimbursed by the department, the total amount of all charges against that county authorized by law for services rendered by the department shall be first deducted from the gross amount of reimbursement authorized by this section. The net reimbursement shall be calculated and paid monthly by the department. The department shall withhold all or part of the net reimbursement to a county whose jail facility or facilities do not conform to minimum standards for local detention facilities, as authorized by Section 6030, only if the county is failing to make reasonable efforts to correct differences, with consideration given to the resources available for those purposes.

(4) "Costs incurred resulting from the detention," as used in this section, shall include the same cost factors as are utilized by the Department of Corrections and Rehabilitation in determining the cost of prisoner care in state correctional facilities.

1 (b) No city, county, or other jurisdiction may file, and the state
2 may not reimburse, a claim pursuant to this section that is presented
3 to the Department of Corrections and Rehabilitation or to any other
4 agency or department of the state more than six months after the
5 close of the month in which the costs were incurred.

6 (c) The changes to this section made by the act that added this
7 subdivision shall be effective on October 1, 2011.

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